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BIRCH STEWART KOLASCH & BIRCH  
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EXAMINER
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AFSHAR, KAMRAN

ART UNIT	PAPER NUMBER
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2617

NOTIFICATION DATE	DELIVERY MODE
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02/05/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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mailroom@bskb.com

## Office Action Summary

Application No.

10/527,962

Applicant(s)

TAKAMORI ET AL.

Examiner

Kamran Afshar 571-272-7796

Art Unit

2617

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 9 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/ are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Group I (claims 1-5) in the reply filed on 11/29/2007 is acknowledged. Applicant's arguments, see Page 25, filed on 11/29/2007, with respect to election/restriction requirement have been fully considered and are persuasive. The election/restriction requirement of claims 1-10 has been withdrawn.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 3 recites limitation "the other control unit" in line 3, which is unclear whether it is referring to the control unit in claim 1 or the another control unit in claim 3. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 6, 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Lemelson (U.S. Patent e.g. 5, 731, 785).

With respect to claims 1, 6, 7, Lemelson teaches a rescue system (See Lemelson e.g. system of Fig. 1, system and method for communicating location for security purposes (i.e. emergency or abduction or theft, distress etc., Co. 1, Lines 25-29, Co. 5, Lines 37-41) provided with a mobile telephone apparatus (See Lemelson e.g. portable unit 10 of Fig. 3, Co. 5, Lines 37-41) and a portable detector (See Lemelson e.g. mobile unit 41 of Fig. 1) or / three or more reception units installed in a disaster site (See cellular telephone networks inherently have / install a plurality (three or more) of sites ( or cell sites or base station), Co. 3, Line 24) , and a computer (See Lemelson e.g. computer 34 of Fig. 3) / or a mobile telephone apparatus (See Lemelson e.g. portable unit 10 of Fig. 3, Co. 5, Lines 37-41) comprising: a storage unit in which key information (See Lemelson e.g. ID code identifying the unit 10, or personal identification number, Co. 6, Lines 8-9) is stored (See Lemelson e.g. Memory 13, 14, 21, and or 19, 23 of Fig. 3, stored in memory, Co. 6, Line 14); a reception unit for receiving an emergency signal including key information (See Lemelson e.g. receiver 34R of Fig. 3, or transceiver 24 (or receiver and / or transmitter) of Fig. 3, transceiver 24 receives control signal (or emergency signal), Co. 6, Lines 10-14)); a control unit (See Lemelson e.g. microprocessor 12 of Fig. 3) for determining whether the key information stored in the storage unit and the key information included in the emergency signal match (See Lemelson e.g. microprocessor match or compare the received ID code with identification code in the memory, Co. 6, Lines 10-14); and a transmission unit for transmitting a rescue signal (See Lemelson e.g. transceiver 24 (or receiver and / or transmitter) of Fig. 3), wherein when the key information stored in the storage unit and the key information included in the emergency signal match, a rescue signal is transmitted from the transmission unit or / the portable detector receives the rescue signal transmitted from the mobile telephone apparatus (See Lemelson e.g. if microprocessor detects match, then transceiver 24 transmits to transceiver unit 4 or 6, Co. 6, Lines 20-26) or the computer locates the position of the mobile telephone apparatus on the principle of trilateration (See Lemelson e.g. compute the locations using triangulation method, Co. 4, Lines 22-23, Co. 5, Lines 46-50).

Regarding claim 2, Lemelson teaches the storage unit stores (See Lemelson e.g. Memory 13, 14, 21, and or 19, 23 of Fig. 3, stored in memory, Co. 6, Line 14) individual-identifying information for identifying the user of (See Lemelson e.g. ID code identifying the unit 10, or personal identification

number, Co. 6, Lines 8-9) the mobile telephone apparatus (See Lemelson e.g. portable unit 10 of Fig. 3, Co. 5, Lines 37-41), and wherein the individual-identifying information is included in the rescue signal (See the code signals are received by unit 4, Co. 6, Lines 25-26 or mobile unit 41, Co. 6, Lines 36-38).

Regarding claim 3, Lemelson teaches further comprising another control unit for controlling speaking function (See Lemelson e.g. a speech computer 16 of Fig. 3, Co. 5, Lin 67—Co. 6, Line 1), a switch (See Lemelson e.g. a switch 17 of Fig. 3, Co. 5, Lines 60-65), and a Battery (See Lemelson e.g. 17B of Fig. 3, Co. 5, Lines 60-65), wherein the switch is configured (inherently) to switch on and off the power supply from the battery (See Lemelson e.g. battery 17B, of Fig. 3) to the other control unit, and the battery supplies power to the control unit (See Lemelson e.g. closing / opening the switch 17 to activate (or turn on) and 17 which is connected to microprocessor 12, Co. 5, Lines 60-65) that determines whether the key information (See Lemelson e.g. ID code identifying the unit 10, or personal identification number, Co. 6, Lines 8-9) stored in the storage unit (See Lemelson e.g. Memory 13, 14, 21, and or 19, 23 of Fig. 3, stored in memory, Co. 6, Lines 7-14) and the key information included in the emergency signal match, irrespective of the switch status (See Lemelson e.g. if microprocessor detects match, then transceiver 24 transmits to transceiver unit 4 or 6, Co. 6, Lines 20-26).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson (U.S. Patent e.g. 5, 731,785) in view of Overy (U.S. Pub. No.: 2003/0003866 A1).

Regarding claim 4, Lemelson teaches everything as discussed above in the rejected claims, 1, 6, 7. Further, Lemelson teaches the key information stored in the storage unit (See Lemelson e.g. Memory 13, 14, 21, and or 19, 23 of Fig. 3, stored in memory, Co. 6, Lines 7-14) and the key information included in the emergency signal match (See Lemelson e.g. ID code identifying the unit 10, or personal identification number, Co. 6, Lines 6-14, if microprocessor detects match, then transceiver 24 transmits to transceiver unit 4 or 6, Co. 6, Lines 20-26). However, Lemelson is silent that a sound wave is transmitted together with the rescue signal. In an analogous field of endeavor, Overy teaches the concept of the sound wave is transmitted together with the rescue signal (See Overy e.g. ultrasound signal 355 (or sound wave) simultaneously with the radio signal, Page 2, Lines 1-2 of ¶ [0033], Also See, Page 2, ¶ [0037], Page 1, ¶ [0001], Page 2 ¶ [0031]). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to provide above teaching of Overy to Lemelson to provide method, system, and or devices (i.e. mobile phones) utilizing a sound signal and a radio signal together (or simultaneously) determining the distance between the two devices by measuring the time difference between the two signals as suggested (See Overy e.g. Page 2, ¶ [0033]).

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson (U.S. Patent e.g. 5, 731,785) in view of Boling (U.S. Patent 6,044,257 A).

Regarding claim 5, Lemelson teaches everything as discussed above in the rejected claims 1, 6, 7. Further, Lemelson teaches the key information stored in the storage unit (See Lemelson e.g. Memory 13, 14, 21, and or 19, 23 of Fig. 3, stored in memory, Co. 6, Lines 7-14) and the key information included in the emergency signal match (See Lemelson e.g. ID code identifying the unit 10, or personal identification number, Co. 6, Lines 6-14, if microprocessor detects match, then transceiver 24 transmits to transceiver unit 4 or 6, Co. 6, Lines 20-26). However, Lemelson is silent that light is generated. In an analogous field of endeavor, Boling teaches concept of that light is generated (See Boling e.g. light source 30, light indicators 32, 34, 36 of Fig. 3, Co. 5, Lines 48-53). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to provide above teaching of Overy to

Lemelson to use a light source generator in mobile communication device for emergency response system attempting to locate the individual who need assistant as suggested (See Boling e.g. Co. 5, Lines 48-52).

10. Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson (U.S. Patent e.g. 5,731,785) in view of Bloomfield (U.S. 5,446,445 A).

With respect to claim 8, With respect to claims 1, 6, 7, Lemelson teaches a rescue system (See Lemelson e.g. system of Fig. 1, system and method for communicating location for security purposes (i.e. emergency or abduction or theft, distress etc., Co. 1, Lines 25-29, Co. 5, Lines 37-41) with a mobile telephone apparatus (See Lemelson e.g. portable unit 10 of Fig. 3, Co. 5, Lines 37-41) wherein the mobile telephone apparatus (See Lemelson e.g. portable unit 10 of Fig. 3, Co. 5, Lines 37-41) comprising: a storage unit in which key information (See Lemelson e.g. ID code identifying the unit 10, or personal identification number, Co. 6, Lines 8-9) is stored (See Lemelson e.g. Memory 13, 14, 21, and or 19, 23 of Fig. 3, stored in memory, Co. 6, Line 14); a reception unit for receiving an emergency signal including key information (See Lemelson e.g. receiver 34R of Fig. 3, or transceiver 24 (or receiver and / or transmitter) of Fig. 3, transceiver 24 receives control signal (or emergency signal), Co. 6, Lines 10-14)); a control unit (See Lemelson e.g. microprocessor 12 of Fig. 3) for determining whether the key information stored in the storage unit and the key information included in the emergency signal match (See Lemelson e.g. microprocessor match or compare the received ID code with identification code in the memory, Co. 6, Lines 10-14); and a transmission unit for transmitting a rescue Signal (See Lemelson e.g. transceiver 24 (or receiver and / or transmitter) of Fig. 3), wherein when the key information stored in the storage unit and the key information included in the emergency signal match, the transmission unit transmits a rescue signal (See Lemelson e.g. if microprocessor detects match, then transceiver 24 transmits to transceiver unit 4 or 6, Co. 6, Lines 20-26) or while receiving the rescue signal transmitted from the mobile telephone apparatus (See Lemelson e.g. if microprocessor detects match, then transceiver 24 transmits to transceiver unit 4 or 6, Co. 6, Lines 20-26). However, Lemelson is silent that a robot and / or the robot

moves close to the mobile telephone apparatus while receiving the rescue signal transmitted from the mobile telephone apparatus. In an analogous field of endeavor, Bloomfield teaches the concept of the robot and / or the robot moves (See Bloomfield e.g. robot is to move, Co. 2, Lines 13-23) close to the mobile telephone apparatus (See Bloomfield e.g. Robot 1, mobile device 2 of Fig. 1, Robot 1 of Fig. 2). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to provide above teaching of Bloomfield to Lemelson to use a robot device at the time of disaster (i.e. fire, intruder, an abnormal condition, etc.) in a mobile rescue (or detection) system via a 2-way wireless communication system as suggested (See Bloomfield e.g. Co. 1, Lines 11-18).

#### ***Allowable Subject Matter***

11. Claims 9-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 9, the prior art of record fails to disclose singly or in combination or render obvious that the mobile telephone apparatus is configured to generate a sound wave together with the rescue signal when the key information stored in the storage unit and the key information included in the emergency signal match; and the robot performs the reception of the rescue signal and the reception of the sound wave; wherein the distance between the robot and the mobile telephone apparatus is calculated by the time lag between the reception of the rescue signal and the reception of the sound wave.

#### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.  
a) Ward (U.S. Pub. No.: 2006/0202801 A1).      d) Baba (U.S. 6,650,966 B1).



b) Jung (U.S. Pub. No.: 2003/0125010 A1).      e) Reudink (U.S. 6,236,849 B1).

c) Yavnai (U.S. 6,588,701).

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kamran Afshar whose telephone number is (571) 272-7796. The examiner can be reached on Monday-Friday.

If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor, **Eng, George** can be reached @ (571) 272-3984. The fax number for the organization where this application or proceeding is assigned is **571-273-8300** for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Kamran Afshar**